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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/578,639

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Srinivas Gutta

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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EXAMINER

CHOKSHI, PINKAL R

ART UNIT

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2623

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/578,639	<b>Applicant(s)</b> GUTTA ET AL.	
	<b>Examiner</b> PINKAL CHOKSHI	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-8, 10, 11, 13-15, and 18-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 7,284,066 to Philyaw et al (hereafter referenced as Philyaw) in view of US PG Pub 2006/0168623 to Khoo et al (hereafter referenced as Khoo).

Regarding **claim 1**, “a method for obtaining information to augment commercials in a data stream” reads on a method where a device receives a signal from a broadcast generated by an advertiser (abstract) disclosed by Philyaw and represented in Fig. 3.

As to “method comprising: obtaining preference information from at least one user via a user interface (130, 400, 500)” Philyaw discloses (col.3, lines 23-25) that the user profile information is sent to server over the network as represented in Fig. 14.

As to “extracting descriptive information from commercials (200) in the data stream” Philyaw discloses (col.6, lines 15-18, 64-65) that the audio/video information of the advertisement is extracted from the received signal in the form of digital data.

Philyaw meets all the limitations of claim except “determining, for each of the commercials, whether the extracted descriptive information corresponds with the preference information.” However, Khoo discloses (§0033) that the system matches the advertising media content with personalized data to determine a customized advertisement as represented in Fig. 2. As to “responsive to the determining step, locating information from an external source via a computer network (180) regarding at least one of the commercials whose extracted descriptive information corresponds with the preference information” Khoo discloses (§0035) that once the system matches user preference with advertising media content, targeted advertisement is generated by the server and transmitted through the data network (Internet - §0032) to client as represented in Fig. 2. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to match the user preference with advertisement information to generate a targeted advertisement as taught by Khoo in order to provide correct advertisements to target audiences so a viewer does not have to search the advertisement contents throughout television channels (§0008 and §0009).

Regarding **claim 2**, “the method wherein: the external source comprises at least one server (182, 184, 192, 194, 195)” Philyaw discloses (col.3, lines 23-25; col.7, lines 59-60) that the program source includes plurality of advertiser servers as represented in Fig. 3 (elements 312, 316).

Regarding **claim 3**, “the method wherein: the data stream comprises at least one video program” Philyaw discloses (col.4, lines 45-48) that the broadcast signal generated by program source comprises audio and video signals.

Regarding **claim 4**, “the method wherein: the data stream comprises at least one audio program” Philyaw discloses (col.4, lines 45-48) that the broadcast signal generated by program source comprises audio and video signals.

Regarding **claim 5**, “the method further comprising: displaying the located information to the at least one user on a display device (190)” Philyaw discloses (col.10, line 54-col.11, line 17) that the viewer sees the targeted advertisement on display device received from the server after the match occurs between user profile and extracted audio/video information of the advertisement as represented in Fig. 8.

Regarding **claim 6**, “the method further comprising: displaying a link to the located information to the at least one user on a display device (190)” Philyaw discloses (col.10, lines 62-64) that the URL is provided to the user on display screen as represented in Fig. 8 (element 806).

Regarding **claim 7**, “the method further comprising: storing the located information on a storage device (120) for subsequent retrieval by the at least one user” Khoo discloses (¶0046) that the targeted advertisement is stored in a storage medium of media cache service for later retrieval. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to store targeted advertisement in the storage device as taught by Khoo in order to retrieve targeted advertisements at user’s leisure.

Regarding **claim 8**, “the method wherein: the located information comprises information regarding a product or service advertised in the at least one of the commercials whose extracted descriptive information corresponds with the preference information” Philyaw discloses (col.7, lines 4-13; col.23, lines 31-37) that based on the match between user profile and extracted advertisement information, the advertiser product information presented to the viewer on a display.

Regarding **claim 10**, “the method wherein: the obtaining preference information step comprises obtaining a user input (500) indicating an amount of information that is desired to be obtained from the external source for the at least one of the commercials whose extracted descriptive information corresponds with the preference information” Philyaw discloses (col.23, lines 20-25) that the

user input certain profile information that indicates a particular user with products and services that identifies with that user profile.

Regarding **claim 11**, “the method wherein: the obtaining preference information step comprises obtaining information (400) identifying at least one category of commercials” Khoo discloses (§0048 and claim 9) that the personalized data includes television advertisement preferences from the user by category. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to categorized advertisements as taught by Khoo in order to provide correct advertisements to target audiences so a viewer does not have to search the advertisement contents throughout television channels (§0008 and §0009).

Regarding **claim 13**, “the method wherein: the obtaining preference information step comprises obtaining information (400) identifying at least one performer” Khoo discloses (§0044) that the user preference properties contains actors. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include performer in the user preference as taught by Khoo in order to include more specific targeted ads based on user needs by searching actor’s name instead of music types.

Regarding **claim 14**, “the method wherein: the obtaining preference information step comprises identifying at least one sample commercial by the at least one user via the user interface (400), and extracting descriptive information from the at least one sample commercial” Philyaw discloses (col.21, lines 22-33) that the sample message packet about a product is transmitted from the user’s device to server so the proper transmission for point to point can occur. However, the examiner takes official notice that it was well known in the art at the time of the invention to retrieve data based on query-by example. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to use sample of commercial in user preference to Philyaw’s system in order to provide correct advertisements related to target audiences based on their sample ads.

Regarding **claim 15**, “the method wherein: the obtaining preference information step comprises obtaining at least one keyword from the at least one user via the user interface (400)” Philyaw discloses (col.8, lines 41-45) that the user receives targeted advertisements based on the keystrokes being input to a PC.

Philyaw meets all the limitations of the claim except “the extracting descriptive information step comprises extracting text from the commercials.” However, Khoo discloses (¶0056) that the computer device, that receives targeted advertisement, includes graphical subsystem that receives textual and



graphical information and processes the information for output to display as represented in Fig. 7 (element 770). As to “the extracted descriptive information corresponds with the preference information when the extracted text corresponds with the at least one keyword” Khoo discloses (§0048) that the user provides preference information such as television advertisement preference by typing prompts questions. Khoo further discloses (§0049) that the server matches these user preference data with advertising media data and creates targeted ads list that matched with user preference data and transmits it to the client device. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to match the keyword with with advertisement information to generate a targeted advertisement as taught by Khoo in order to provide correct advertisements to target audiences so a viewer does not have to search the advertisement contents throughout television channels (§0008 and §0009).

Regarding **claim 18**, “an apparatus for obtaining information to augment commercials in a data stream” Philyaw discloses (col.3, lines 23-25) that the user profile information is sent to server over the network as represented in Fig. 14.

As to “apparatus comprising: means (130, 400, 500) for obtaining preference information from at least one user” Philyaw discloses (col.3, lines 23-25) that the user profile information is sent to server over the network as represented in Fig. 14.

As to “means (170) for extracting descriptive information from commercials (200) in the data stream” Philyaw discloses (col.6, lines 15-18, 64-65) that the audio/video information of the advertisement is extracted from the received signal in the form of digital data.

Philyaw meets all the limitations of claim except “means (140) for determining, for each of the commercials, whether the extracted descriptive information corresponds with the preference information.” However, Khoo discloses (§0033) that the system matches the advertising media content with personalized data to determine a customized advertisement as represented in Fig. 2. As to “means (155), responsive to the determining step, for locating information from an external source via a computer network (180) regarding at least one of the commercials whose extracted descriptive information corresponds with the preference information” Khoo discloses (§0035) that once the system matches user preference with advertising media content, targeted advertisement is generated by the server and transmitted through the data network (Internet - §0032) to client as represented in Fig. 2. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to match the user preference with advertisement information to generate a targeted advertisement as taught by Khoo in order to provide correct advertisements to target audiences so a viewer does not have to search the advertisement contents throughout television channels (§0008 and §0009).

Regarding **claim 19**, “the apparatus wherein: the external source comprises at least one server (182, 184, 192, 194, 195)” Philyaw discloses (col.3, lines 23-25; col.7, lines 59-60) that the program source includes plurality of advertiser servers as represented in Fig. 3 (elements 312, 316).

Regarding **claim 20**, “a method for obtaining information to augment commercials in a data stream” reads on a method where a device receives a signal from a broadcast generated by an advertiser (abstract) disclosed by Philyaw and represented in Fig. 3.

As to “the method comprising: obtaining preference information from at least one user via a user interface (130, 400, 500)” Philyaw discloses (col.3, lines 23-25) that the user profile information is sent to server over the network as represented in Fig. 14.

As to “extracting descriptive information (170) from commercials (200) in the data stream” Philyaw discloses (col.6, lines 15-18, 64-65) that the audio/video information of the advertisement is extracted from the received signal in the form of digital data.

Philyaw meets all the limitations of claim except “determining, for each of the commercials, whether the extracted descriptive information corresponds with the preference information.” However, Khoo discloses (¶0033) that the system matches the advertising media content with personalized data to determine a customized advertisement as represented in Fig. 2. As to “responsive to the

determining step, locating information (300) from an external source via a computer network (180) regarding at least one of the commercials whose extracted descriptive information corresponds with the preference information” Khoo discloses (§0035) that once the system matches user preference with advertising media content, targeted advertisement is generated by the server and transmitted through the data network (Internet - §0032) to client as represented in Fig. 2. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to match the user preference with advertisement information to generate a targeted advertisement as taught by Khoo in order to provide correct advertisements to target audiences so a viewer does not have to search the advertisement contents throughout television channels (§0008 and §0009). As to “a program storage device tangibly embodying a program of instructions executable by a machine to perform a method” Khoo discloses (§0059 and §0060) that the computer instruction that performs the method when loaded into a computer. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to store computer program instruction on the storage medium as taught by Khoo in order to use the method in computer device.

3. **Claim 9** is rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al in view of Khoo et al and further in view of US PG Pub 2002/0083440 to Dupuis et al (hereafter referenced as Dupuis).

Regarding **claim 9**, combination of Philyaw and Khoo meets all the limitations of the claim except “the method further comprising: scanning the video stream to detect the commercials.” However, Dupuis discloses (abstract and ¶0025) that the system scans the video stream file and creates database as represented in Fig. 1 (element 233, 250). As to “wherein the extracting descriptive information step is performed for commercials detected in the scanning step” Dupuis discloses (¶0016 and ¶0026) that the snatcher reads the database which includes scanned video stream and creates and stores ads in Ad data database as represented in Fig. 1 (elements 234, 251). Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to scan video stream to detect commercial as taught by Dupuis in order to identify a commercial portion from the video program portion so the correct ads can be presented to targeted audiences

4. **Claim 12** is rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al in view of Khoo et al and further in view of US Patent 6,684,249 to Frerichs et al (hereafter referenced as Frerichs).

Regarding **claim 12**, combination of Philyaw and Khoo meets all the limitations of the claim except “the method wherein: the obtaining preference information step comprises obtaining information (400) identifying at least one music track.” However, Frerichs discloses (col.9, lines 39-41, 50-54) that the targeted advertisements are provided based on user’s profile where information

about targeted advertisements includes audio tracks as represented in Fig. 3.

Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to include audio track in user preference as taught by Frerichs in order to play music at the client location by sending additional information from the source location.

5. **Claims 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Philyaw et al in view of Khoo et al and further in view of US Patent 6,100,941 to Dimitrova et al (hereafter referenced as Dimitrova).

Regarding **claim 16**, combination of Philyaw and Khoo meets all the limitations of the claim except “the method wherein: the extracting text from the commercials comprises extracting text from closed captioned data of the commercials.” However, Dimitrova discloses (col.2, lines 41-44) that the system produces text by processing data stream through a closed captioning processor. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to produce text from closed caption data as taught by Dimitrova in order to identify a portion of commercial by comparing with closed captioned text data to produce accurate commercial for viewers.

Regarding **claim 17**, “the method wherein: the extracting text from the commercials comprises converting an audio portion of the commercials to text” Dimitrova discloses (col.18, lines 19-25) that the audio processor converts the

sound into text of a commercial. Therefore, it would have been obvious to one of the ordinary skills in the art at the time of the invention to produce text from closed caption data as taught by Dimitrova in order to identify a portion of commercial by comparing with closed captioned text data to produce accurate commercial for viewers.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Publication 2007/0124763 to Ellis discloses interactive television targeted message system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PINKAL CHOKSHI whose telephone number is (571) 270-3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

/Brian T. Pendleton/  
Supervisory Patent Examiner, Art Unit 2623